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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,410	06/14/2001	Byron Y. Yafuso	QCPA235	8490

7590 07/03/2002

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EXAMINER

TON, DANG T

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,410

Applicant(s)

Yafu Do et al.

Examiner

DANIEL JON

Group Art Unit

2661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4/12/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-44 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-22 is/are allowed.
- ☒ Claim(s) 23-44 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 2661

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 23-26, 28-32, and 34-44 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Paneth et al. (6,393,002).

Paneth et al. disclose system comprising:

means for transmitting a data frame;

means for transmitting a push-to-talk frame subsequent to the data frame;

means for transmitting a second data frame subsequent to the push-to-talk data frame;

a switch operative to generate push-to-talk signals;

a processor coupled to the switch, operative to generate a push-to-talk data packet based on at least one of push-to-talk signals;

a transmitter coupled to the processor operative to send the push-to-talk data packet to the wireless communication network;

Art Unit: 2661

a network call manager for facilitate private communications simultaneously among a plurality of mobile users, at least some of plurality of mobile users being members of a private network, the network call manager comprising:

means for receiving a point-to-point transmission comprising a plurality of voice data packets and a point-to-multipoint transmission comprising a plurality of private network data packets;

means for directing point-to-point transmissions;

means for receiving a request for a point-to-multipoint transmission to the private network;

means for directing the point-to-multipoint data packets to the private network in response to the request; and

a private network of mobile stations operative to transmit point-to-point transmissions and point-to-multipoint transmissions (see abstract and columns 3-4).

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the

- Art Unit: 2661

inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Claims 27 and 33 rejected under 35 U.S.C. 103(a) as being

unpatentable over Paneth et al. in view of Schwed (5,592,556).

Paneth et al. disclose all the subject matter of the claimed invention with the exception of an encrypted message in a communications network. Schwed from the same or similar fields of endeavor teaches a provision of the encrypted message. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the encrypted message as taught by Schwed in the communications network of Paneth et al. For the purpose of securing the network.

Art Unit: 2661

4. Claims 1-22 are allowed.

5. Any inquiry concerning this communication should be directed to Dang Ton at telephone number (703) 305-4739.

D. Ton

6/24/2002



DANG TON
PRIMARY EXAMINER